

P29706.A04



Application No. 10/001,565

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Anja DRUCKS et al.

Confirmation No. 2712

Group Art Unit: 1617

Serial No. : 10/001,565

Examiner: Kim, Jennifer M

Filed : November 15, 2001

For : COSMETIC OR DERMATOLOGICAL IMPREGNATED WIPES

ELECTION WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper is responsive to the Requirement for Election mailed from the Patent and Trademark Office August 25, 2006, in the above application. Inasmuch as this election is being submitted by the four-month date of December 26, 2006 (December 25, 2006 being a Federal Holiday), this election is being filed with a three-month extension of time. However, should any extension of time be needed the same is hereby requested and authorization is hereby provided to charge any necessary fees to preserve the pendency of this application to Deposit Account No. 19-0089.

Election

Applicants elect, with traverse, the species identified by the Examiner as the viscose species of fibers, on which at least claims 21-40 are readable.



Traverse

Applicants respectfully traverse the Restriction Requirement. The Requirement for Election has characterized the following species of fibers to which the Applicant is to elect a single species:

- a) viscose,
- b) cotton,
- c) jute,
- d) hemp,
- e) sisal,
- f) silk,
- g) wool,
- h) polypropylene,
- i) polyethylene,
- j) polyester,
- k) aramid,
- l) nylon,
- m) polyurethane,
- n) polylactide,
- o) polyhydroxyalkanoate,
- p) cellulose ester, and
- q) polyethylene terephthalate.

Even if the Examiner's characterization of the species as noted above were to be considered proper, Applicants respectfully request that the species defined in the Restriction Requirement, nevertheless, be examined together in the instant application, pursuant to the guidelines set forth in M.P.E.P. § 803. That is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a "serious burden" on the Patent and Trademark Office in examining claims directed to the non-elected inventions since the examination would overlap, *i.e.*, the species of fibers noted-above, would presumably be found in similar if not the same search class.

Moreover, the Requirement provides an insufficient basis for why the species of fibers are patentably distinct, and thus would require separate examination. In this regard, Applicants respectfully note that the Examiner's characterization that the fibers have "different and unrelated

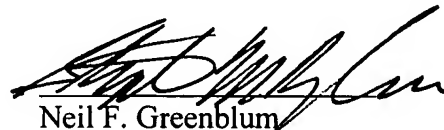
physical and chemical material having its own unique physical/chemical characteristics” is insufficient to separate examination of the claimed fibers. Thus, it is respectfully requested that in response to this Election, that the Examiner withdraw the Requirement, or at least if the Requirement is to be maintained, that the Examiner provide a detailed reasoning for the decision to Restrict the present invention into the above-noted species.

In view of the foregoing, it would appear that the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap, especially in view of the insufficient reasoning as to why the species should be examined separately. That is, if the Examiner were to perform a search for the viscose species, there would not appear to be a serious burden to examine the remaining species. For this reason, and consistent with Office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Requirement for Restriction.

For at least the foregoing reasons, it is submitted that the Requirement for Restriction in this application is improper and it is respectfully requested that it be reconsidered and withdrawn.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,
Anja DRUCKS et al.


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